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AUTHOR Arneson, Rosemary Huff
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ABSTRACT

This discussion of potential uses of mediation as a management and communication tool focuses on the library setting. The nature of conflict is considered, and the concept, basic principles, and applications of mediation as a form of conflict resolution are presented. The four steps in the mediation process are then described: (1) Introduction, (2) Story Telling, (3) Problem Solving, and (4) Agreement. Within the library environment, sources of conflict (between staff members, between an employee and a supervisor, between a staff member and a patron, and between the library and its parent organization) and applications of mediation are discussed. Organizations offering formal training in mediation are noted and several areas that should be covered by the training are suggested. The paper concludes by outlining reasons that mediation can be an effective tool in conflict situations. (7 references) (MES)

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MEDIATION:

A LANGUAGE OF LEADERS

Rosemary Huff Arneson
Associate University Librarian
Fairfield University
Fairfield, Connecticut

July 10, 1988

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Mediation: A Language of Leaders

R. H. Arneson

Conflict is one of our most difficult areas for communication because we generally feel strongly about the issues involved in the situation. Faced with a conflict between two people, a leader must be able to facilitate continuing communication between those two people if a resolution in to be reached. One method for helping individuals resolve conflict is the mediation process.

The four-step mediation process has been used successfully to resolve conflicts between individuals involved in legal disputes, including separation and child custody agreements. Mediation skills have been taught to school children and college students so that they can help their peers reach agreements. Community mediation centers are extending their training efforts beyond the professional community to include all of the area's residents.

This paper will outline the potential uses of mediation as a management and communication tool by examining the four steps of the mediation process: Introduction, Story Telling, Problem Solving, and Agreement. It will discuss ways library managers can use mediation techniques to resolve disputes between staff members, between a staff member and a patron, and between the library and other parts of the parent organization. Finally, the paper will examine the opportunities available for mediation training for library managers and for library staff.

R. H. Arneson

The Nature of Conflict

Conflict occurs whenever there are differences between people, groups, organizations, or nations which, if they persist, keep the parties from coming together. In an organization such a a library, conflict can keep staff dissension high and morale low if it is allowed to continue with no efforts toward resolution. Stress increases and performance diminishes, and the library manager finds himself/herself spending a disproportionate amount of time on the issue causing the conflict.[1]

Our experiences with and social views of conflict concentrate on the negative aspects of conflict. We see conflict as a win/lose situation in which one party can only achieve his or her goals at the expense of the other disputant. However, used well, conflict can be creative and positive.[2] By allowing both parties to express their points of view without the assumption that one party is right and the other wrong, the relationship between the two people can be strengthened. Folberg and Taylor refer to the process of resolving conflict as convergence: "the aims, processes, methods or behavior that create order, stability, and unity of direction."[3]

In a library, conflict can exist between staff members, between two or more units of the organization, between a staff member and a patron, or between the library and its parent organization Unresolved, these conflicts can adversely affect staff morale, decision making on important issues, public relations, and administrative support. Creative use of the conflict, however, can bring about a greater sense of unity and commitment to the library's goals.

Mediation Defined

Conflict management and conflict resolution are often used interchangeably in the literature, but there are important differences between the two. Folberg and Taylor state:

> conflict resolution creates a state of uniformity or convergence of purpose or means; conflict management only realigns the divergence enough to render the opposing forces less diametrically opposite or damaging to each other.[4]

Mediation is one form of conflict resolution and has been defined as "the process by which disputants attempt to reach a consensual settlement of the issues in dispute with the assistance and facilitation of a neutral resource person or persons."[5] A key feature of the mediation process is that the disputing parties are responsible for the agreement that is reached. The mediator guides the process and provides the structure within which agreement can be reached, but he or she does not make the agreement happen. Because the agreement is personal and consensual, the disputants are more likely to accept it. Participation in the mediation process helps to reduce the tension between the people in conflict by encouraging more open and direct communication. The process also provides a model the disputants can follow when conflicts arise in the future.[6]

Tripp articulates four widely accepted principles of mediation:

> First, disputing parties cannot be forced to participate in or comply with agreements derived through the use of mediation. They must participate and comply voluntarily. Second, agreements that disputants create for themselves are not binding. Third, mediators can facilitate the activities through which disputing parties resolve conflicts and arrive at mutually satisfactory conclusions, but they have no authority to decide what disputants should do to resolve their difficulties, and they have no enforcement powers. Fourth, the mediator's role is centered on presiding over and assisting the process through which disputing parties arrive at their own decisions and resolutions through collaborative problem solving.[7]

Mediation differs from other forms of conflict resolution or conflict management in many respects. Unlike therapy or counseling, it involves conflicts between two or more people, not the personal conflicts or patterns of behavior each person experiences.[8] The adversarial processes of adjudication and arbitration are generally public and formal, with a strict set of rules to be followed. A third party is involved in the process, but he or she plays the role of decision maker, deciding which party wins and which one loses.[9] Negotiation often involves the use of designated representatives, such as lawyers. In negotiation, each side of the dispute formulates a position and winning that position means the defeat of the other person's position.[10]

Uses for Mediation

The use of third parties to resolve conflict is not new. Chinese, Japanese, and African cultures share a tradition of informal conciliation. The Jewish and Christian communities often called upon the rabbi or priest to serve as a mediator in disputes between members of the congregation.[11]

As our society has become more and more litigious and as divorce has become more and more common, the legal community has come to recognize the need for alternatives to the formal legal process. Mediation is used in many communities as one such alternative; neighborhood arguments and landlord-tenant disputes that otherwise would consume costly time in small claims courts are being resolved at neighborhood mediation centers. Several states now require parents working out child custody agreements to use mediation before going to court.

Recently, mediation has begun to move into new arenas. In Rockingham County, Virginia, children in the elementary schools are learning mediation skills, which they, in turn, teach to their peers. James Madison University in Harrisonburg, Virginia, created a campus mediation center in 1987 to help students learn the techniques of mediation and to give them an alternative means for settling disputes.

The Mediation Process

The mediation process consists of four steps: Introduction, Story Telling, Problem Solving, and Agreement. The mediator's role is to guide the disputants through these four steps while allowing them the opportunity to find their own solutions to the problems. Generally, a mediation session is attended by the disputants and one or more mediators. When there are two disputants involved, many mediators find that using two mediators helps in building rapport. Mediation takes place in a neutral setting: a mediation center, the mediator's office, a library conference room. The site should have comfortable seating with space available for breaks and private consultations between the mediator and one of the parties. Some disputes are settled in a single session; others, particularly those involving complex issues, may require a series of sessions before agreement is reached.

During the Introduction phase, the mediator sets the stage for the mediation session. He or she reviews what will happen during the session and explains that the goal of mediation is for the disputing parties to reach an agreement with which they are both comfortable. It is also during this stage that the mediator explains the ground rules to be followed. While the use of

most ground rules, such as no smoking or no name-calling, vary from mediator to mediator, the rule of allowing each party to speak without interruptions is common to all. The mediator uses the Introduction phase to explain his/her role and lets the parties know that any agreement reached through mediation is theirs, with the mediator acting as the facilitator for that agreement.[12] Other issues covered during Introduction include confidentiality, fees and payment for the mediator's services when applicable, the potential need for individual consultations with the disputants, the mediator's need to take notes during the session, and the procedures for reviewing the agreement.[13]

Once the mediator is sure that both parties understand the mediation process and the ground rules for the session, he or she moves on to the next phase: Story Telling. During this stage, each disputant has the opportunity to tell his or her side of the story. The mediator needs to elicit not just the facts as each person perceives them, but also their feelings about the situation bringing them to mediation and about any underlying causes for the immediate conflict. The most important skill for a mediator to use during Story Telling is listening. The mediator should be sensitive to the nonverbal messages expressed through body language, tone of voice, and facial expression.[14]

During Story Telling, it is important that the disputants address all the issues, and it is up to the mediator to make sure this is done.[15] A dispute between two staff members may seem to be about the use of their joint closet only, but may in reality involve work assignments and feelings of resentment about merit increases. Unless all the issues are addressed, the agreement reached will stand little chance of success. The use of open-ended questions and questions regarding the disputant's feelings about an issue can help bring

out these underlying concerns. It should also be noted that most conflicts have some sort of history; the issue that brings the disputants to mediation is probably not the first one that has created conflict between the two people involved. If the mediator is a colleague of the disputants, he or she may already be aware of some of these issues. Through careful questioning, the mediator brings out these past issues in addition to exploring the current cause of dispute.

Once all the issues have been explored and both parties have had a chance to say all they need to say, the mediation session can turn toward solutions. Kraybill suggests that the mediator conclude Story Telling by asking both parties what they want to see happen as a result of mediation.[16] This delineation of goals leads naturally into the Problem-Solving stage of the mediation process. At this point, the mediator may summarize the positions of each disputant and then ask them both if they are ready to move toward finding a solution. Next the parties, with the assistance of the mediator, list the issues involved in the conflict. The mediator may want to highlight those issues on which both parties already agree. For example, he or she may say, "It seems that you both want to give the best service to the library's patron as is possible" or "You agree that patron service is a top priority in the Circulation Department." Sometimes the only obvious point of agreement may be that both people want to end the dispute, but highlighting it establishes that there is some degree of common ground between the two positions.

Once all the issues have been listed, with suggestions coming from the disputants as well as the mediator, the mediator can suggest that they address the first issue. Issues should be addressed one at a time; any issues not noted before, but which arise in the discussion of another issue, should be

added to the list. As the issues are discussed, both parties will begin to suggest solutions, and the mediator should encourage this. The mediator should not be reluctant to suggest solutions as well, since his or her perspective on the dispute is fresh and impersonal.[17] As the discussion continues, one or both parties may begin to offer "if...then" suggestions, such as "If she will ask my permission before borrowing things from my desk, then I would be willing to work on the project with her." The mediator needs to listen for these suggestions and use them in formulating the agreement. When a suggestion such as the one illustrated above is made, the mediator can say, "John, you're saying you'd be willing to work with Mary on the project if she will ask your permission before she borrows things from your desk. Mary, would you be willing to agree to that? If Mary and John both agree to these statements, then the mediation session can move forward into the Agreement stage.

Agreement is not always so easy to reach, however. When an impasse is reached, the mediator may wish to talk with both parties privately. When alone with the mediator, a disputant may be more willing to show flexibility than he or she is in front of the other party. The mediator may also need to remind one or both disputants of the cost of not reaching agreement.[18] In a work situation, this may be as inconsequential as having to take an earlier coffee break or as serious as losing a job.

The final stage of mediation is Agreement: the preparation of a formal, written statement of what each party will do or not do, with stated deadlines. This agreement should be the creation of both disputants, not of the mediator, even though the mediator has invested a great deal of his or her time and energy into the mediation process. As Kraybill states, "The greater [the disputants'] sense of ownership of what has been hammered out, the greater the

likelihood of long-term reconciliation."[19]

The mediation process does not end when an agreement has been signed. "The mediated plan must often be submitted to superiors, committees, boards of directors, executives, or other authorities for final ratification."[20] The mediator will also want to check back with both parties at regular intervals (these can be stated as part of the Agreement) to see how well the agreement is working. While both parties may have signed the Agreement with the best of intentions for seeing it through, unforeseen circumstances can arise that put the agreement in jeopardy. With the help of the mediator, the disputants can use the mediation process they experienced to deal with these new areas of conflict.[21]

Mediation does not always work, and the parties may not be able to continue in anything but the most formal of relationships, if they are able to maintain a relationship at all. However, the success rate for mediation has been quite high, and people who have been through the process have reacted well to it. Studies and post-mediation evaluations show a high degree of agreement, satisfaction, and willingness to use mediation again.[22]

Library Applications for Mediation

Libraries, like all other organizations, experience conflicts. These conflicts occur at a variety of levels: between staff members, between an employee and a supervisor, between a staff member and a patron, and between the library and its parent organization. The mediation process can serve the library manager as one of several tools used to address conflicts at all these levels.

Disputes between staff members are among the most common kinds of conflict a manager has to face. When people spend the majority of their waking time together, conflict is inevitable. However, these conflicts can interfere with the operations of the department and with the performance level of both employees. As other employees become involved in the conflict, either as participants or witnesses, morale is also effected. In this case, the supervisor can use the implied power of his or her position to step in and mediate the conflict. The disputing parties know that if they do not reach a solution, the supervisor may impose one upon them.[23] By using the mediation process, the supervisor can lead the disputants to a solution which addresses both their needs and the goals of the department. Two staff members may have to share an office, and only one of them is a smoker. If the other person objects to cigarette smoke, the two are in conflict. Instead of arbitrarily stating that smoke will or will not be allowed in the office, the manager to whom these two people report may choose to use mediation to resolve the conflict. Mediation will allow both people the opportunity to express all their feelings about the situation; perhaps the smoker feels the office mate spends too much time on the telephone. Mediation allows the supervisor and both disputants to explore all the options, from setting times of day when each person will use the office to switching their offices with other staff members for whom smoking or telephone use will not be an issue. Reaching the agreement in a case such as this one can be a creative process, and one in which all the concerned parties participate. By becoming a part of the solution, the two parties move from hostile disputants to cooperative participants, and they may find themselves becoming excited about both the mediation process and the solution they reach.

Disputes between supervisors and employees arise almost as frequently as those between peers on the library staff. Because of the power inherent in the supervisory position, the parties begin the conflict in unequal positions. The mediation process, because it addresses the needs and concerns of both people involved in the dispute, can serve as an equalizer in these situations. The supervisor must bring a willing and cooperative attitude to mediation; he or she must be willing to give up a degree of power in the interests of conflict resolution. The staff member who sees that he or she will be treated as an equal to the supervisor will be more willing to discuss the issues involved in the conflict and more willing to reach an agreement. If the staff members perceives that the supervisor is going to take the attitude of "I'm the boss, therefore I'm right," he or she may block the agreement in an effort to counteract that expression of power. In a conflict between employee and supervisor, the use of co-mediators would be warranted, especially if one mediator is in a supervisory position and the other is not. Both parties then feel they have a sympathetic ear to hear their stories.

Many members of a library's staff spend their days in contact with the public, not all of whom are friendly and pleasant in their dealings with the library staff. Arguments about fines, lost books, and other library policies arise. In the interest of both staff morale and good relations with the public, the library manager may need to intervene in some of these conflicts. For example, the head of the reference department may hear a reference librarian and a patron arguing about the library's policy of not allowing reference books to be taken from the library. Clearly, there is a conflict here. The reference librarian needs to enforce the library's policies consistently; the patron needs access to the information in the reference

source. By intervening in this dispute and playing the role of the mediator, the head of the reference department can listen to both parties, hear about any underlying sources of conflict (the patron has a record of not returning books, for example), and help the librarian and the patron reach an agreement. Because he or she is mediating from a superior position--head of the reference department--the mediator in this case has more latitude to suggest or endorse agreements that may fall outside a strict interpretation of library policy.

Most libraries are parts of a larger organization: a city or county government, a college or university, or a large corporation. Because the resources of that larger organization are finite, the library must compete with the other units of the organization for a reasonable share of those resources. Many times discussions on budgets and allocations become negotiating sessions; each unit states its needs, and those needs are treated as mutually exclusive. If the library gets what it needs, then the English Department does not. The skills used in mediation can help turn these discussions from negotiating sessions focused on each unit's position to a discussion of the overall goals and objectives of the organization. For example, the English Department may have requested money for a word processing lab to support the university's computer literacy goals; the library has requested money for additional staff for its microcomputer lab. Through mediation, the two units may find a creative resolution to their conflicting needs: if the library gets additional staff and some funding to purchase word processing software, it will extend the hours of its microcomputer lab to give more students access to machines needed to complete their papers. The library "wins" because it gets the staff it needs to operate the microcomputer lab; the English Department "wins" by getting a word processing facility that the department does not have to staff

and maintain.

Mediation can help a library manager resolve the conflicts which arise within the library; it can also be a useful service to offer to the library's patrons. The Carnegie Library of Pittsburgh has established Library Mediation Centers in three inner-city branches which community residents use to resolve "backfence" and consumer disputes. The Centers provide training as well as sites for mediation sessions. Patrons who have used the services of one of the Centers have found that the library provides a congenial atmosphere for mediation; it is a formal but neutral setting that is also a part of the community in which the disputants live.[4]

Mediation Training

In order to learn the techniques and skills used in mediation, formal training is necessary. Established mediation centers in many communities offer training programs to introduce people to the mediation process and to give them practice through role playing in using mediation skills. Some offer specialized training tailored to the needs of an organization. In addition, organizations such as the National Academy of Conciliators in Chevy Chase, Maryland, the Conflict Resolution Center in Pittsburg, the National Center for Mediation Education in Annapolis, and the American Arbitration Association offer either formal training programs or can refer interested people to such programs. More and more academic courses are being offered in mediation, many as part of the graduate curriculum in law, social work, or counseling. Any training program in mediation should offer the following:

1. An examination and understanding of conflict and how individuals deal with conflict.

2. Stage-by-stage review of mediation procedures.

3. Review of the skills involved in mediation, including listening and rapport-building.

4. Substantive knowledge relating to legal issues and procedures.

5. Overview of mediation ethics and standards of practice.[28]

Conclusion

Mediation cannot be the only tool available to a library manager dealing with conflict; not every situation will lend itself to mediation, and mediation does not always lead to agreement. However, mediation can be an effective tool in many conflict situations for the following reasons:

1. Mediation treats both parties as equals. Neither person is assumed to be right or wrong, and both have the opportunity to express their feelings and to have their needs met.

2. The agreement reached is worked out by the disputants themselves, not imposed by a higher authority.

3. The process encourages the disputants to examine the underlying causes of their conflict and to deal with all the issues involved, not just the cause of the immediate conflict.

4. Mediation is flexible, and the techniques of mediation can be adapted to a variety of situations.

5. Mediation is creative; it encourages the disputants to explore all the possible solutions to a problem before an agreement is reached.

6. Mediation is new to many of us; it can be an exciting alternative to traditional problem solving techniques.

Today's libraries are dynamic and changing organizations serving an increasingly diversified and sophisticated clientele. They are exciting places to work, but the very sources of that excitement--particularly the rapid change

in our services and technologies--can create conflicts. Strong leadership is needed to help libraries cope with their changing environments and to help the people within the library deal with the conflicts arising from the changes they experience. Mediation provides a library's leaders with a non-traditional and exciting process for resolving conflicts as they arise.

NOTES

[1]Fred Edmund Jandt, Win-Win Negotiating: Turning Conflict into Agreement (New York: John Wiley and Sons, 1985), 101.

[2]Jay Folberg and Alison Taylor, Mediation: A Comprehensive Guide to Resolving Conflicts without Litigation (San Francisco: Jossey-Bass, 1984), 19.

[3]Folberg and Taylor, Mediation, 24.

[4]Ibid., 25.

[5]Jay Folberg, "Mediation Overview: History and Dimensions of Practice," Mediation Quarterly no. 1 (September 1983): 8.

[6]Folberg and Taylor, Mediation, 9.

[7]Charles J. Tripp, "Intraorganizational Conflict Mediation: The Effects of Communication, Complaints, Compliance, and Confidence," Mediation Quarterly no. 7 (March 1985): 87-88.

[8]Folberg, "Mediation Overview," 3.

[9]Janet Rifkin, "Teaching Mediation: A Feminist Perspective on the Study of Law," in Gendered Subjects: The Dynamics of Feminist Teaching, ed. Margo Culley and Catherine Portuges (Boston: Routledge & Kegan Paul, 1985), 101-2.

[10]Folberg and Taylor, Mediation, 30.

[11]Folberg, "Mediation Overview," 4-5.

[12]Ronald S. Kraybill, Repairing the Breach: Ministering in Community Conflict. (Scottdale, PA: Herald Press, 1980), 62.

[13]Folberg and Taylor, Mediation, p. 43.

[14]Kraybill, Repairing the Breach, 63.

[15]Folberg and Taylor, Mediation, 48.

[16]Kraybill, Repairing the Breach, 64.

[17]Folberg and Taylor, Mediation, 52.

[18]Kraybill, Repairing the Breach, 68.

[19]Ibid., 70.

[20]Folberg and Taylor, Mediation, 63.

[21]Ibid., 66.

[22]Ibid., 11-13.

[23]Ibid., 134-35.

[24]Margaret C. Albert, "A Library where the Fighting Stops: Can Libraries Serve Their Communities as Mediation Centers?" American Libraries 18 (November 1987): 822.

[25]Folberg and Taylor, Mediation, 236-42.

REFERENCES

Albert, Margaret C. "A Library Where the Fighting Stops: Can Libraries Serve Their Communities as Mediation Centers?" American Libraries 18 (November 1987): 822-23+.

Folberg, Jay. "Mediation Overview: History and Dimensions of Practice." Mediation Quarterly no. 1 (September 1983): 3-13.

Folberg, Jay, and Taylor, Alison. Mediation: A Comprehensive Guide to Resolving Conflicts without Litigation. San Francisco: Jossey-Bass, 1984.

Jandt, Fred Edmund. Win-Win Negotiating: Turning Conflict into Agreement. New York: John Wiley and Sons, 1985.

Kraybill, Ronald S. Repairing the Breach: Ministering in Community Conflict. Scottdale, PA: Herald Press, 1980.

Rifkin, Janet. "Teaching Mediation: A Feminist Perspective on the Study of Law." In Gendered Subjects: The Dynamics of Feminist Teaching, edited by Margo Culley and Catherine Portuges. Boston: Routledge & Kegan Paul, 1985

Tripp, Charles. "Intraorganizational Conflict Mediation: The Effects of Communication, Complaints, Compliance, and Confidence." Mediation Quarterly no. 7 (March 1985): 83-99.